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10/522,207	10/27/2005	Mezher Hussein Ali	AC-22-US	3699
50446 7590 08/17/2009 HOXIE & ASSOCIATES LLC 75 MAIN STREET, SUITE 301 MILLBURN, NJ 07041				
EXAMINER				
CHANG, CELIA C				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ATTACHMENT TO ADVISORY

The after final amendment dated Aug. 3, 2009 will not be entered for the following reasons:

1. There is no good reason why the amendment and the supporting IDS could not be filed earlier.
2. The amendment does not obviate the 112 first paragraph rejection because no antecedent basis of what is the "C₁₋₄alkyl ester" is located and how many of such modification can exist in the molecule. Please note that the optionally substituents contain free hydroxyl and free amino which are candidates for acylation. In addition is the "C₁₋₄alkyl ester" referring to compound-O-CO-C₁₋₄alkyl or compound-O-(CO)O- C₁₋₄alkyl? Please note that both are known to be pro-drug modification in form of esters.
3. Upon clarification of where, how many and what form is the "C₁₋₄alkyl ester" in structure, it may be new matter and new search must be made with respect to the specific ester. See i.e. CA126:264276 disclosed hydroxyl protected "C₁₋₄alkyl ester" of the instant amended claims. Hydroxyl protection is ordinarily prima facie over the deprotected free hydroxyl compounds, thus, new search and new issues must be raised.

/CeliaChang/

Primary Examiner, AU1625